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10/598,381	09/23/2008	Alexandre Naressi	33836.00.0098	3352

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EXAMINER
MEHRAVARI, PETER CYRUS

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/598,381	NARESSI ET AL.
Office Action Summary	Examiner	Art Unit	
	PETER MEHRAVARI	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 March 2012</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) <u>1-28</u> is/are pending in the application.

    5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) <u>1-28</u> is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March

19, 2012 has been entered.

Information Disclosure Statement

2.   The information disclosure statement filed March 19, 2012 fails to comply with 37

CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document;

each non-patent literature publication or that portion which caused it to be listed; and all

other information or that portion which caused it to be listed. Specifically, no copy of the

"Examiner's Third Report issued in AU20044316032 on 7-12-2011" has been received

and thus this reference has not been considered. However, the remaining references

have been considered.

Claim Rejections – 35 USC §103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negatived by the manner in which the
invention was made.

4.   **Claims 1, 3-4, 6-8, 12-15, 19 and 28 are rejected under 35 U.S.C. 103(a) as**
being unpatentable over Rajasekharan (US. Pub. No. 2003/0024975) in view of
Smith, IV (US. Pub. No. 2003/0001887).

        1) Regarding claim 1, Rajasekharan makes obvious an object having an RFID
tag associated therewith **([0042], " objects 107 in the physical world can be**
represented by one or more machine readable or identifiable object identifiers,
such as, barcode labels, RFID tags"). Rajasekharan then teaches that the RFID tag
may contain a content identifier, which when read by a reader, identifies the location of
the content, specifically on a remote device and then the content is either downloaded
or streamed to the target device **([0045], "Similarly, the multimedia content**
collection associated with an object identifier may be either locally resident on
the device or downloaded or streamed via path 113 with the aid of content proxy
117"). See also [0073] which teaches the association between an object identifier
being read by a reader and the object identifier being directly associated with media
content. Rajasekharan teaches this media content to include both audio and video
([0074]). To show more of this teaching of content identification then associated media
playback, Examiner turns Applicant's attention to the following:

        - [0080]-[0081] - regarding playback mode;

        - Claim 18 of Rajasekharan – "detecting with a device a label associated
with an object; normalizing information contained in the detected label into an

object identifier; using the object identifier to search an index table repository to find content bound to the object identifier; and rendering the content"

  - Claim 20 of Rajasekharan – "comprising the step of retrieving the content bound to the object identifier from a remote server"

  - Claim 21 of Rajasekharan – the content is audio or video

  - Claim 22 of Rajasekharan – the label is a RFID tag, see also Table 1 of Rajasekharan that clearly teaches that the labeling scheme may include barcodes, RFID, text strings, and any label that can be transformed to digital data by some transduction means. Text strings would include titles of songs and that one having ordinary skill in the art at the time of the claimed invention would recognize that Rajasekharan suggest that these embodiments are interchangeable.

  These tags are designed to provide "information about physical objects, locations, or temporal events" **([0060])**. With this teaching, one having ordinary skill in the art at the time of the claimed invention would understand that the type of information is directly related to the physical object, location or temporal event, that the tag is attached or associated with. For example, if a tag is attached to the physical object of music CD or music CD case for example, any known types of information associated with that music CD or music CD case would be obvious to one having ordinary skill in the art at the time of the claimed invention as information about that music CD or music CD case as taught by Rajasekharan. Rajasekharan uses the examples in [0075] to

show the function of the content identified on the tag, which is to provide additional

information that further describes or enhances the properties or function of that object.

Smith IV teaches that additional content in the form of music files and even music

videos are information that may be associated with an object in the form of a music CD

or music CD case **([0064], "In one implementation, a music CD can be implemented**

as a hybrid CD with audio content in the form of WAV files, which may be played

on a dumb device, such as a boombox, and additional content in the form of

enabled content that can be played only on an enabled machine. The enabled

content may include music files or pointers to music files. It may also include

other content such as a video clip or instructions to download a web site"). Since

Smith IV teaches that additional music files and music videos are information that may

further describe an object that is a music CD or music CD case, it would be obvious to

one having ordinary skill in the art at the time of the claimed invention that when a tag

as taught by Rajasekharan is placed on an object that is a music CD or music CD case,

that may also then contain identification information for content that further describes

that object being a music CD or music CD case, wherein that content is the additional

music file or music video.

Regarding the newly added limitation that the remote content identification

information "directly identifies remotely stored content", Rajasekharan does make

obvious the identifier on the label directly identifying the stored content. Specifically,

Rajasekharan teaches at Fig. 9, supported by [0085], first scanning and decoding the

object label at steps 902 and 903. Once this object ID is obtained, at step 915, object

specific digital content is retrieved at step 915. In this way, the object ID directly

identifies the content to download.

Examiner strongly disagrees that Rajasekharan's method is anyway indirect

since it performs the exact same function as invention in the manner claimed.

Specifically, on a remote content server, each file is going to have two parts, the data

and a header that identifies that data. When a request for that data comes from a user,

the request must have some form of identifier that the server uses to match that request

to the header of the data. Once that match is done, the data is transmitted from the

server to the user. By way of examples, the following perform the same direct

identification:

Example 1:

Request: Title of Video A   **Server Database:** Header = Title of Video A || Data = [data of video A]

Example 2:

Request: Title of Object B   **Server Database:** Header = Title of Object B || Data = [data of video A]

In both cases, some form of identifier is used to directly identify stored content

associated with that identifier and retrieve the data of video A. In one case the identifier

is the textual description of the data of video A while in another the identifier is a textual

name associated with the data of video A. Accordingly, Rajasekharan's method of

retrieving remote content is directly based on the object identifier

In the furtherance of prosecution, it should be noted that further limiting the

remote content identification information is a descriptor of the remote content would also

be recognized as obvious over Rajasekharan because Rajasekharan teaches the

identifier to be the name of a tour and the data being retrieved is taught be in some embodiment audio or video of that tour.

2) Regarding claim 3, Rajasekharan teaches the using the content identifier to search an index table repository (a playist) to find the content bound to that content identifier **(claim 18)**, where that table and content is on the remote server **(Claim 20)**. This information is transmitted from one place to another and transmission of data over the internet, especially audio and video files is broken up into small packets of data and reassembled on the other side when they are received. Such packing is a form of encryption and such unpacking is a form of decryption, and in order to decrypt the receiving party must know the type of encryption (the encryption/decryption keys) in order to decrypt/unpack and reassemble the data on the receiving end.

3) Regarding claims 4 and 6, Rajasekharan teaches the media in the form of the video or audio retrieved from the remote server is then played on the device that reads the tag and obtains the object/content identifier **([0078]-[0084] describes all the playback features on the reader device)**. The communication is at least a request for the remote data and a retrieval of the remote data, thus forming a two way communication device. Additionally, Rajasekharan teaches the function of streaming the data in certain instances.

7) Regarding claim 7, Rajasekharan teaches the media playing device is an RFID reader enabled portable device **(See Fig. 1, the Mobile Device 105)**.

8) Regarding claims 8 and 28, Rajasekharan teaches the authoring of content and then associating that content with a content identifier on an object. Further Rajasekharan teaches that the content identifier on the object may be an RFID tag that is read by a reader. While Rajasekharan does not each changing the identifier, it does teach overriding and authoring the content associated with that identifier **(claim 1, Fig. 102, No. 100)** This, coupled with the well-known improvements of RFID tags over other tags, is the identifier within the tag can be changed without destroying the tag (as opposed to bar codes and other written labels). Accordingly, one having ordinary skill in the art at the time of the claimed invention would find it obvious to either change the content associated with the content identifier, or change the content identifier to be associated with another piece of content. Further, looking at Fig. 7, Rajasekharan shows not only the reading of the object label on the media player, but also binding a new object ID associated with digital media content to the tag. Then looking next at Fig. 8, Rajasekharan shows both the recording and playing of content of the media player as well as providing express suggestion that it is beneficial for everything thing to be performed on a single device **([0083], being able to perform playback and authoring on a mobile phone, having playback capabilities clearly suggests the phone has some sort of scanner for scanning the label, and thus similar would implicitly suggest having a writer to perform the updating of the tags)**. These teachings suggest, if not expressly teach and show, Rajasekharan's motivation for being able to both determine what content is currently associated with a tag identifier, but also being

able to update that tag identifier with a new ID that corresponds to new content all on
the same device.

9) Regarding claim 12, Rajasekharan in view of Smith, IV, makes obvious all
subject matter for the same reasoning recited above regarding claim 1.

10) Regarding claim 13, Rajasekharan in view of Smith, IV, makes obvious all
subject matter for the same reasoning recited above regarding claim 2.

11) Regarding claim 14, Rajasekharan teaches the full playback capabilities of
the mobile device for retrieving and playing the retrieved remote content **([0049], "For
playing the media content, the personal mobile device 105 comprises video
decoder 1006 associated with display 1008, and an audio decoder 1010
associated with a speaker 1012. Display 1008 may be a visual display such as
liquid crystal display screen"; [0051], "personal mobile device 1100 comprises
media content control keys such as, play/stop 1101, record 1103, reverse 1105,
fast forward 1104, volume controls 1110, and various other operations can be
provided for use in interacting with media content")**

12) Regarding claim 15, when the media player interface displays the content
that is identified by the content identifier on the tag that displaying in itself is a visual
indicia of data on the tag.

13) Regarding claim 19, Rajasekharan in view of Smith, IV, make obvious all
subject matter for the same reasoning recited above regarding claim 1.

5.   **Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajasekharan (US. Pub. No. 2003/0024975) in view of Smith, IV (US. Pub. No. 2003/0001887) and Kahlman (US. Pub. No. 2005/0237886).**

1) Regarding claim 2, Rajasekharan in view of Smith, IV do not teach the authentication of the music CD before the retrieval of the content on the tag attached to the object being music CD. However, Rajasekharan is clear in the fact that the tag contains identification information of content that is important to further understand or enhance the object it is associated with. Kahlman teaches that it is known and beneficial for a music CD to also contain authentication information to only allow the music CD to be played by an authenticated use **([0007]-[0009])**. What's more is that Kahlman teaches this authentication information being stored also on an RFID tag associated with the music CD **([0032], the optical information carrier 1 further comprises an integrated circuit, "[t]he chip is, for example, a MiFare RFID chip" which is placed on the music CD, see Fig. 2)**. Accordingly, one having ordinary skill in the art at the time of the claimed invention would have recognized the known benefit of, and to use, using authentication of a music CD to prevent unauthorized used of the media such as taught by Kahlman in a system such as taught by Kahlman and Smith, IV to already provide additional information associated with an object being a music CD, where in both teaching the additional data is stored in an RFID tag on the object being a music CD.

2) Regarding claim 20, Rajasekharan in view of Smith, IV and Kahlman, make obvious all subject matter for the same reasoning recited above regarding claim 2.

6.   **Claims 5 9-11, 16, 18 and 21 are rejected under 35 U.S.C. 103(a) as being**
unpatentable over Rajasekharan (US. Pub. No. 2003/0024975) in view of Smith, IV
(US. Pub. No. 2003/0001887) and MacLellan et al. (US. Pat. No. 6,130,623).

1) Regarding claim 5, Rajasekharan in view of Smith, IV make obvious
communication of data using an RFID protocol. MacLellan et al. teaches an RFIC
communication system that teaches encrypting data on the tag and being able to read
the encrypted data by a reader **(see Fig. 4)**. One having ordinary skill in the art at the
time of the claimed invention would recognize that encrypting data on an RFID tag may
prevent unauthorized users from accessing data on the tag as such motivation could be
used to protect any data on a tag.

2) Regardings claims 9, 11, and 21, Rajasekharan in view of Smith, IV, and
MacLellan et al. make obvious all subject matter for the same reasoning recited above
regarding mostly claim 1, but also the storing of the data in an encrypted format as
discussed above regarding claim 5.

3) Regarding claim 10, Rajasekharan in view of Smith, IV, make obvious the
object being a music CD, the music CD or a music CD case as discussed above, the
case containing a music CD that is an optical storage device)

4) Regarding claim 16, Rajasekharan in view of Smith, IV, and MacLellan et al.
make obvious all subject matter for the same reasoning recited above regarding mostly
claim 1, but also the storing of the data in an encrypted format as discussed above
regarding claim 5. Further, the content being on a remote storage wherein encryption as

taught by Maclellan et al. is performed is the same as a digital rights management service provider using keys to authenticate the transfer. It is noted that the addition of encrypting communication over a network is well known in the art of data transfer as are the known forms of encryption and such modifications to data transfer would be obvious to one having ordinary skill in the art at the time of the claimed invention.

5) Regarding claim 18, Rajasekharan in view of Smith, IV and MacLellan et al. make obvious all subject matter for the same reasoning recited above regarding claim 1 (regarding the general system with remote content identifiers), claim 8 (regarding the RFID writer) and claim 16 (regarding the secure and encrypted exchange of data). Specifically, claim 18 simply teaches the setup of a key encryption system implements by Rajasekharan in view of Smith, IV and MacLellan et al. as made obvious above. As such, one having ordinary skill in the art at the time of the claimed invention would find all of the limitations obvious to set up such a system especially one to implement the method of verifying media played at a plurality of media players. For example, it would be obvious that at some point the RFID tags on the information carriers would have to be written with the information later read by the media player claimed in claim 1 and related claims. It would be obvious that the media players are trusted since they have would inherently comprise the software and hardware necessary to not only read the RFID tag on the information carrier and process such data, but also know to go to the remote server to verify the authentication of such received data. It is generally known that registration of a computer's address is performed with an authentication service

when future authentication procedures between devices are designed to take place
later.

7.   **Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Rajasekharan (US. Pub. No. 2003/0024975) in view of Smith, IV (US. Pub. No.
2003/0001887), MacLellan et al. (US. Pat. No. 6,130,623) and Saito (US. Pat. No.
6,424,715).**

        1) Regarding claim 17, Rajasekharan in view of Smith, IV and MacLellan et al.
make obvious all subject matter of claim 16. However, none of the above cited
references teach using a cache to expedite the authentication process. However, Saito
teaches this deficiency. Specifically, Saito teaches using a cache to store previously
obtained encryption content so as to not require communication with a remoter server
and instead keep the authentication local when authentication is performed a second
time **(col. 13, lines 52-61)**. Further, the uses of caches to reduce latency in a network
system are well known as are the motivations behind their use. Therefore, one having
ordinary skill in the art at the time of the claimed invention would find it obvious to use a
cache used in authentication as taught by Saito in combination with Rajasekharan in
view of Smith, IV and MacLellan et al. to achieve the generally known benefits of a
cache in a network environment.

8.   **Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Rajasekharan (US. Pub. No. 2003/0024975).**

1) Regarding claim 22, Rajasekharan makes obvious an object having an RFID tag associated therewith (**[0042], " objects 107 in the physical world can be represented by one or more machine readable or identifiable object identifiers, such as, barcode labels, RFID tags")**. Rajasekharan then teaches that the RFID tag may contain a content identifier, which when read by a reader, identifies the location of the content, specifically on a remote device and then the content is either downloaded or streamed to the target device (**[0045], "Similarly, the multimedia content collection associated with an object identifier may be either locally resident on the device or downloaded or streamed via path 113 with the aid of content proxy 117")**. See also [0073] which teaches the association between an object identifier being read by a reader and the object identifier being directly associated with media content. Rajasekharan teaches this media content to include both audio and video (**[0074]**). To show more of this teaching of content identification then associated media playback, Examiner turns Applicant's attention to the following:

- [0080]-[0081] - regarding playback mode;

- **Claim 18 – "detecting with a device a label associated with an object; normalizing information contained in the detected label into an object identifier; using the object identifier to search an index table repository to find content bound to the object identifier; and rendering the content"**

- **Claim 20 – "comprising the step of retrieving the content bound to the object identifier from a remote server"**

- **Claim 21 – the content is audio or video**

- Claim 22 – the label is a RFID tag

These tags are designed to provide "information about physical objects,

locations, or temporal events" **([0060])**. With this teaching, one having ordinary skill in

the art at the time of the claimed invention would understand that the type of information

is directly related to the physical object, location or temporal event, that the tag is

attached or associated with.

Since claim 22 does not claim that the object is a media object (the preamble

does not carry patentable weight since it is not referred to in the body of the claims),

Rajasekharan makes obvious a general article having a tag. One having ordinary skill

in the art at the time of the claimed invention would recognize that objects can be

handheld and such a property does limit the reasoning for the tag and its content **(See**

[0075] for handheld examples of objects having remote content identifiers

thereon).

2) Regarding claim 23, Rajasekharan teaches providing a service. One having

ordinary skill in the art at the time of the claimed invention recognizes the benefits of

users of a service to pay for that service. Accordingly, the addition that the service

taught by Rajasekharan is a subscription based service would be obvious to one having

ordinary skill in the art at the time of the claimed invention.

3) Regarding claim 24, as discussed above regarding claim 22, Rajasekharan

makes obvious the content being remotely stored and the content being a video.

4) Regarding claim 25, as discussed above regarding claim 22, Rajasekharan

makes obvious the content being remotely stored and the content being an audio file.

5) Regarding claim 26, Rajasekharan teaches attaching a tag to physical object. Physical objects inherently have three dimensions **(see also [0075] for 3D examples of objects having remote content identifiers thereon)**.

6) Regarding claim 27, Rajasekharan makes obvious retrieving content from a remote server, which one having ordinary skill in the art at the time of the claimed invention would recognized may be another name for a "web server".

Response to Arguments

9.   Applicant's arguments with respect to claims 1-27 as amended have been considered but are moot in view of the new ground(s) of rejection. Further, Applicant's arguments are not deemed persuasive regarding newly amended claims.

Specifically, Rajasekharan does make obvious the identifier on the label directly identifying the stored content. Rajasekharan teaches at Fig. 9, supported by [0085], first scanning and decoding the object label at steps 902 and 903. Once this object ID is obtained, at step 915, object specific digital content is retrieved at step 915. In this way, the object ID directly identifies the content to download.

Examiner strongly disagrees that Rajasekharan's method is anyway indirect since it performs the exact same function as invention in the manner claimed. Specifically, on a remote content server, each file is going to have two parts, the data and a header that identifies that data. When a request for that data comes from a user, the request must have some form of identifier that the server uses to match that request to the header of the data. Once that match is done, the data is transmitted from the

server to the user. By way of examples, the following perform the same direct

identification:

Example 1:

Request: Title of Video A   **Server Database:** Header = Title of Video A || Data = [data of video A]

Example 2:

Request: Title of Object B   **Server Database:** Header = Title of Object B || Data = [data of video A]

In both cases, some form of identifier is used to directly identify stored content

associated with that identifier and retrieve the data of video A. In one case the identifier

is the textual description of the data of video A while in another the identifier is a textual

name associated with the data of video A. Accordingly, Rajasekharan's method of

retrieving remote content is directly based on the object identifier.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PETER C. MEHRAVARI whose telephone number is

(571)270-1747. The examiner can normally be reached on Monday thru Friday, 8:30 -

4:00.

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Benjamin Lee can be reached on 571-272-2963. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PETER C. MEHRAVARI

Examiner

Art Unit 2612

/PETER C. MEHRAVARI/
Examiner, Art Unit 2612

/Albert K Wong/
Primary Examiner, Art Unit 2612